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July 25, 2017

## Via Electronic Website Submission

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (28221)  
Washington, DC 20460

Re: Request under the Freedom of Information Act, 5 U.S.C. § 552

Dear FOIA Officer:

This is a request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. I am writing to request records from the United States Environmental Protection Agency ("EPA") Office of Air and Radiation, Office of Air Quality Planning and Standards, including the Sector Policies and Programs Division, as follows:

- Records identifying any planned or ongoing development of any implementation plan, standard of performance, emission standard or other rulemaking ("Rulemaking") under the Clean Air Act ("CAA") related to the use of flares as control devices at natural gas processing plants included in SIC Code 1321, NAICS Code 211112 (2012) or NAICS Code 211130 (2017) including, but not limited to, records identifying any planned or ongoing development of any CAA Rulemaking related to the use of flares as control devices at natural gas processing plants and any of the following topics:
  - (i) any of the provisions or terms in 40 C.F.R. § 60.18(b) through (f) inclusive;
  - (ii) heat value of gas combusted at the flare or in the flare combustion zone;
  - (iii) flare operation and/or design, including assisted and nonassisted flares;
  - (iv) visible emissions and use of EPA Method 22;
  - (v) addition of supplemental gases to flares;
  - (vi) addition of steam and/or assist air to flares;
  - (vii) flare exit velocity, tip velocity, or maximum velocity;
  - (viii) combustion efficiency;
  - (ix) constituents, mass, flow, or heating value of vent gas;
  - (x) monitoring of flare operation, including presence of the flare pilot flame;
  - (xi) emission factors for flares used as control devices at natural gas processing plants.

If the Agency regards any documents as exempt from required disclosure under FOIA, I request that EPA exercise discretion to disclose them nevertheless, given that FOIA “is the most prominent expression of a profound national commitment to ensuring an open Government” and that “[a]ll agencies should adopt a presumption in favor of disclosure.” Memorandum For the Heads of Executive Departments and Agencies: Freedom of Information Act, 74 Fed. Reg. 4, 863 (Jan. 26, 2009).

In the alternative, please provide all reasonably non-exempt portions of records and communications as required by FOIA after review for the purpose of determining whether any of the information is exempt from disclosure. Should the Agency elect to invoke an exemption, please provide the required full or partial denial letter and sufficient information to determine whether or not there may be grounds to appeal EPA’s decision. In accordance with the minimum requirements of due process, this information should include:

- Basic factual material, including the originator, date, length, and addresses of the withheld items.
- Explanations and justifications for denial, including the identification of the exemption applicable to the withheld information or portions of the information found to be subject to exemption, and how each exemption applies to the withheld material.

In accordance with the FOIA Improvement Act of 2016, please provide responsive documents in an electronic format.

Thank you for your prompt attention to this matter. Should you need further information concerning this request, please do not hesitate to call me at (713) 758-2032 or email me at [thunt@velaw.com](mailto:thunt@velaw.com).

Sincerely,



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